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Attorneys for Defendant Hendry Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
AMERICAN STEAMSHIP OWNERS MUTUAL :
PROTECTION AND INDEMNITY :
ASSOCIATION, INC., :

Plaintiff,

v.

ALCOA STEAMSHIP CO., INC. and the Other :
Entities Listed on Exhibit A to the Second :
Amended Complaint, :

Defendants.

----- X

Case No.: 04 Civ. 04309 (LAK)

**NOTICE OF MOTION TO
DISMISS COMPLAINT
AS TO DEFENDANT
HENDRY
CORPORATION**

PLEASE TAKE NOTICE that Defendant Hendry Corporation, by and through its undersigned attorneys, hereby moves the Court, the Honorable Lewis A. Kaplan presiding, pursuant to Rule 12(b)(6), Fed. R. Civ. P., for an Order dismissing Plaintiff

American Steamship Owners Mutual Protection and Indemnity Association, Inc.'s Complaint.

The grounds for this motion are fully set forth in Defendant's Memorandum in Support of Motion to Dismiss Complaint as to Hendry Corporation filed contemporaneously herewith.

WHEREFORE, Defendant respectfully requests that the Court dismiss Plaintiff's Complaint with prejudice.

Dated: Tampa, Florida
June 13, 2006.

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Attorneys for Defendant Hendry Corporation

By: 

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TO:

All Attorneys on Attached List

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* Parties shown highlighted are served via U.S. Mail. All other parties are served via E-mail.